

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 111th Congress¹**

[Date approved: June 4, 2010]²

Bill No. and sponsor: S. 2369 (Mr. George Voinovich of Ohio et al.).

Proponent name,³ location: The Procter & Gamble Co., Cincinnati, OH.

Other bills on product (111th Congress only): None.

Nature of bill: Temporary duty suspension through December 31, 2011.

Retroactive effect: None.

Suggested article description(s) for enactment (including appropriate HTS subheading(s)):


Certain plastic laminate sheets consisting of layers of polyethylene film, polyethylene coextrusion copolymer of low density polyethylene and ethylene acrylic acid, and aluminum foil (provided for in subheading 3921.90.40).

Check one: ☐ Same as that in bill as introduced.
☒ Different from that in bill as introduced (see Technical comments section).

Product information, including uses/applications and source(s) of imports:

The subject products are high quality plastic sheeting in which layers of polyethylene plastic film are sandwiched around an inner aluminum foil layer barrier film. The laminate sheets are used to produce flexible packaging for consumer products such as toothpaste, pharmaceuticals, cosmetics, and toiletries. The products are imported from Germany.

Estimated effect on customs revenue for the subject product classifiable in HTS subheading 3921.90.40:

	2010	2011	2012	2013	2014
					
Col. 1-General rate of duty	4.2%	4.2%	4.2%	4.2%	4.2%
Estimated value dutiable imports ^a	\$8,500,000	\$8,500,000	\$8,500,000	\$8,500,000	\$8,500,000
Customs revenue loss ^b	\$357,000	\$357,000	\$357,000	\$357,000	\$357,000

a/ Dutiable import estimates were provided by industry sources.

b/ At the request of Congress, customs revenue loss is provided for 5 years, although the effective period of the proposed legislation may differ.

¹ Industry analyst preparing report: Elizabeth R. Nesbitt (202-205-3355); Tariff Affairs contact: David Michels (202-205-3440).

² Access to an electronic copy of this memorandum is available at http://www.usitc.gov/tariff_affairs/congress_reports/.

³ The sponsor/proponent did not identify any additional beneficiaries of this bill.

Contacts with domestic firms/organizations (including the proponent):

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
The Procter & Gamble Co. (Proponent) Matt Mattingley, matt@mattingleygroup.com	03/11/2010	No	No	No
3M Company Megan Ivory Carr, mmivory@mmm.com	03/11/2010	No	No	No
BASF Corporation Gregory A. Thies, gregory.thies@basf.com	03/11/2010	No	No	No
Bayer Corporation Karen Niedermeyer, karen.niedermeyer.b@bayer.com	03/11/2010	No	No	No
Chemtura Corp. Lloyd N. Moon, lloyd.moon@chemtura.com Matt Mattingley, matt@mattingleygroup.com	03/11/2010	No	No	No
Ciba Specialty Chemicals Michelle Forte, Michelle.Forte@cibasc.com	03/11/2010	No	No	No
Daikin America Inc. Gary Stanitis, gstanitis@daikin-america.com	03/11/2010	No	No	No
Dow Chemical Co. Lisa Schroeter, LMSchroeter@dow.com Max Turnipseed, mctint@att.net	03/11/2010	No	No	No
Dupont Brian Curtis, Brian.Curtis@usa.dupont.com	03/11/2010	No	No	No
Eastman Chemical Co. Brent Perry, bperry@eastman.com	03/11/2010	No	No	No
Evonik Industries AG Russell Mait, russell.mait@evonik.com	03/11/2010	No	No	No
Fanwood Chemical Inc. V. M. (Jim) DeLisi, JdeLisi@fanwoodchemical.com	03/11/2010	No	No	No
GFS Chemicals John Long, JohnL@gfschemicals.com	03/11/2010	No	No	No
LANXESS Corporation Jamie Schaeffer, jamie.schaeffer@lanxess.com	03/11/2010	No	No	No
Monsanto Company James K. Travis, james.k.travis@monsanto.com	03/11/2010	No	No	No
Solutia Inc. Kassie Wooton, KDWoot@solutia.com	03/11/2010	No	No	No

Technical comments:⁴

The Commission staff recommends that the article description on page 1 of this report be used in the proposed new heading in order to incorporate the correct HTS subheading reference.⁵

⁴ The Commission may express an opinion on the HTS classification of a product to facilitate consideration of the bill. However, by law, only the U.S. Customs Service is authorized to issue a binding ruling on this matter. The Commission believes that the U.S. Customs Service should be consulted prior to enactment of the bill.

⁵ National Import Specialist, U.S. Customs and Border Protection, Department of Homeland Security, telephone interview with Commission staff, March 18, 2010.

111TH CONGRESS
1ST SESSION

S. 2369

To suspend temporarily the duty on certain plastic laminate sheets.

IN THE SENATE OF THE UNITED STATES

OCTOBER 29, 2009

Mr. VOINOVICH (for himself and Mr. BROWN) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To suspend temporarily the duty on certain plastic laminate
sheets.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CERTAIN PLASTIC LAMINATE SHEETS.**

4 (a) IN GENERAL.—Subchapter II of chapter 99 of
5 the Harmonized Tariff Schedule of the United States is
6 amended by inserting in numerical sequence the following
7 new heading:

“	9902.01.00	Certain plastic laminate sheets consisting of layers of polyethylene film, polyethylene coextrusion copolymer of low density polyethylene and ethylene acrylic acid, and aluminum foil (provided for in subheading 3920.10.00)	Free	No change	No change	On or before 12/31/2011	”.
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1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) applies to goods entered, or withdrawn from
3 warehouse for consumption, on or after the 15th day after
4 the date of the enactment of this Act.

